THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9530 AND 9531 OF 2006

W.P.NO. 5930 OF 2006

BETWEEN:

C.Ramakrishna and others

... Petitioners

and

The Project Director and Spl.Collector

(Land Acquisition)

.. Respondent

W.P.NO.5931 OF 2006

Sri Biharilal Agarwal and others

.. Petitioners

and

The Project Director and Spl.Collector

(Land Acquisition)

.. Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9530 AND 9531 OF 2006

COMMON ORDER:

The issues in these writ petitions are similar. Heard Sri C. Kodanda Ram

Reddy, the learned counsel for the petitioners and Sri P.Rajagopal Rao, learned Special Counsel for the Outer Ring Road and the learned Government Pleader for the Land Acquisition.

What is assailed is the memo dated 27.4.2006 qua which the petitioners' request for a copy of the enquiry report prepared by the Land Acquisition Officer under Section 5 A of the Land Acquisition Act, 1894 (for short the Act) has been declined to be furnished.

The lands of the petitioners' are sought to be acquired. Initially invoking the urgency clause under Section 17(4) of the Act, the enquiry under Section 5 A of the Act was dispensed with. After the intervention of this Court in another writ petition, whereat it was pointed out that dispensing with the enquiry under Section 5 A is not a ritual and that there appeared no justification at the present stage of the acquisition to dispense with the enquiry under Section 5 A of the Act, this Court directed the respondents to conduct the enquiry under Section 5 A of the Act. An enquiry under Section 5 A of the Act was conducted after receiving the petitioners' objections and the land acquisition officer has sent up recommendations to the respondent, pursuant to which, after due process, the acquisition was pursued. The petitioner desirous of having a copy of the recommendations made by the land acquisition officer, pursuant to the consideration of his representations/objections in the enquiry under Section 5 A of the Act, filed an application seeking a copy. This was declined by the impugned order.

The petitioner is clearly entitled to a report of the Land Acquisition Officer considering his objections submitted pursuant to the enquiry under Section 5 A of the Act. The petitioner is entitled to the copy of the report so as to be satisfied that his objections were rationally considered and appropriate and rational recommendations have been made by the enquiring authority. This entitlement of the petitioner is an entitlement that flows from the overall constitutional requirement of transparency and good governance as also from the requirement flowing out of the provisions of the Freedom of Information Act, 2005. After the enactment of the Freedom of Information Act, 2005 no public authority has a right to withhold any information of a public transaction unless withholding of such information is permitted under the provisions of the said Act. In the case on hand, no public interest is sub-served by withholding the

recommendations/report of the Land Acquisition Officer.

On the aforesaid analysis, the writ petition is disposed of. The respondents are directed to furnish a copy of the report/recommendations made consequent on the objections submitted by the petitioner in the enquiry under Section 5 A of the Act in respect of the acquisition of the petitioners' lands, expeditiously and in any event, within a period of one week from the date of receipt of a copy of this order. In this the respondents shall fail not.

The writ petition is disposed of accordingly at the stage of admission.

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02-05-2006

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